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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,613	03/02/2000	Thiru Srinivasan	1642(42059-01010)	4139

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EXAMINER	
ENGLAND, DAVID E	

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/517,613	SRINIVASAN, THIRU	
	Examiner	Art Unit	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 September 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1 – 14 and 16 – 19 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 11, 13 – 14, 17 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Leeke et al. U.S. Patent No. 6587127 (hereinafter Leeke).

4. Referencing claim 1, Leeke teaches a system for automatically retrieving and playing multimedia files, comprising:

5. an interface through which access to a data network may be attained, (e.g. col. 4, lines 8 – 30);

6. a scheduler which is configurable to receive a listing of multimedia files including video information, organized according to predetermined categories, which are accessible on at least one multimedia website, (e.g. col. 19, line 66 – col. 20, line 42 & col. 21, lines 7 – 16, *"music category"*, *"...and display streamed music video in the second display region 222"*);

7. a selection interface which provides for presentation of the listing, and is configured to receive and process selections for accessing selected multimedia files including video information from the at least one multimedia website and compiling a download schedule, (e.g. col. 15, line 39 – col. 16, line 24); and

8. a file download device, which based on the download schedule, automatically accesses the remote sites though the interface and downloads the selected multimedia file including video information, (e.g. col. 16, line 34 – col. 17, line 15).

9. Referencing claim 2, Leeke teaches a centralized website employable for generating the listing based on connections established with the at least one multimedia website and providing the listing to the scheduler, (e.g. col. 4, line 50 – col. 5, line 6).

10. Referencing claim 3, Leeke teaches the data network is the Internet, (e.g. cols. 4, lines 8 – 30).

11. Referencing claim 4, Leeke teaches the interface, scheduler, selection interface, and download device are configured on a personal computer, (e.g. col. 5, lines 1 – 48, *"smart card"*).

12. Referencing claim 5, Leeke teaches at least one of: the scheduler, the selection interface, and the file download device are configured as plugins in a web browser installed in the personal computer, (e.g. col. 5, lines 1 – 48).

13. Referencing claim 6, Leeke teaches the selection interface includes at least one of: a first selection for real time play of the multimedia files which are downloaded; and

14. a second selection for storing in a memory the multimedia files which are downloaded in memory, (e.g. col. 5, lines 1 – 48, *"streaming"*).

15. Referencing claim 7, Leeke teaches an interface is provided for selecting categories from which the listing is created, (e.g. col. 19, line 66 – col. 20, line 42).

16. Referencing claim 8, Leeke teaches a memory to which the multimedia files may be downloaded, (e.g. col. 48, lines 38 – 54).

17. Referencing claim 9, Leeke teaches the system includes a media player for playing the multimedia files in real time, (e.g. col. 5, lines 1 – 48, *"streaming"*).

18. Referencing claim 10, Leeke teaches a method of retrieving multimedia files including video information over a data network from a remote site in connection with the data network, comprising the steps of:

19. receiving a listing for the multimedia files for accessing multimedia files including video information on at least one multimedia website, (e.g. col. 19, line 66 – col. 20, line 42 & col. 21, lines 7 – 16, *"...and display streamed music video in the second display region 222"*);

20. presenting an interactive interface which includes the listing and through which individual selections may be made for downloading the multimedia files including video

information from the at least one multimedia website, (e.g. col. 15, line 39 – col. 16, line 24 & col. 21, lines 7 – 16, *"...and display streamed music video in the second display region 222"*);

21. receiving an input through the interface selecting a particular number of the multimedia files including video information from the listing, (e.g. col. 15, line 39 – col. 16, line 24 & col. 21, lines 7 – 16, *"...and display streamed music video in the second display region 222"*);

22. compiling a download schedule based on the received inputs, wherein the schedule includes a description of the multimedia file selected, day and time for the download, and download information, (e.g. col. 19, line 66 – col. 20, line 42 & col. 14, lines 52 – 63 & col.15, lines 18 – 50); and

23. based on the inputs received through the interface, accessing and downloading over the data network, the selected multimedia files from selected remote sites, (e.g. cols. 4, lines 8 – 30 & col. 16, line 34 – col. 17, line 15).

24. Referencing claim 11, Leeke teaches at least one of the following additional steps:

25. storing the multimedia files in memory; and

26. playing the selected multimedia files, (e.g. col. 5, lines 1 – 48, *"streaming"*).

27. Referencing claim 13, Leeke teaches the multimedia files are retrieved according to a time schedule, (e.g. col. 14, line 52 – col. 15, line 37).

28. Claims 14, 17 and 18 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

30. Claims 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leeke (6587127) in view of Martino (5987103).

31. As per claim 12, Leeke does not specifically teach only a predetermined number of multimedia files may be stored in memory. Martino teaches only a predetermined number of multimedia files may be stored in memory, (e.g. col. 9, lines 39 – 67). It would be obvious to one skilled in the art at the time the invention was made to combine Martino with Leeke because it would be more efficient if there was a predetermined number of multimedia files stored because it could free up space to allocate of other files that my require more memory then other multimedia files.

32. As per claim 19, Leeke teaches the listing is created and transmitted as disclosed above, but does not specifically teach the listing is created and transmitted automatically on a periodic basis. Martino teaches the listing is created and transmitted automatically on a periodic basis, (e.g. col. 10, lines 27 – 38). It would be obvious to one skilled in the art at the time the invention was made to combine Martino with Leeke because it would be more convenient for the system to

automatically create and transmit the list so to save time and to automatically update any files that are old.

33. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leeke as applied to claim 1 above, and in view of Ten Kate et al. (6601237) (hereinafter Ten Kate).

34. Referencing claim 16, as closely interpreted by the Examiner, Leeke does not specifically teach any scheduling conflicts between the downloading of multimedia files are detected and the downloading is rescheduled as necessary to resolve conflicts. Ten Kate teaches any scheduling conflicts between the downloading of multimedia files are detected and the downloading is rescheduled as necessary to resolve conflicts, (e.g. col. 6, lines 32 – 46). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to combine Ten Kate with Leeke because if more than one multimedia is desired at the same time but only one can be obtained at a time it would be advantageous for a system to reschedule a transmission of a multimedia file that a user would desire so the user is able to receive what was requested without having to re-request for the multimedia file.

Conclusion

35. Applicant's arguments with respect to claims 1 – 14 and 16 – 19 have been considered but are moot in view of the new ground(s) of rejection.

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

37. a. Chen et al. U.S. Patent No. 6658019 discloses Real-time video transmission method on wireless communication network.

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De DE

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